

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

CHAPTER 13

MICHAEL M. LUCACIU

Bkcy. Case No. 19-11891-amc

Debtor.

ORDER

IT IS ORDERED that Debtor's Motion to convert their case to one under Chapter 7 is
here by GRANTED.

By the Court,

Dated: _____, _____

Hon. Ashely M. Chan
United States Bankruptcy Judge

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**MOTION CONVERT TO A CASE UNDER
CHAPTER 7 PURSUANT TO 11 U.S.C.S. § 706(a)**

Michael M. Lucaciu, respectfully notices this court of his intentions to convert the above Chapter 13 Case pursuant to 11 U.S.C. §1307(a) to a case under Chapter 7 on the grounds set forth below:

1. Debtor filed a voluntary petition under the provision of 11 U.S.C. Chapter 7 on March 27, 2019.
2. Debtor originally filed a Chapter 13 case as it was uncertain as to the true value of debtor's real estate and in order to avoid an improper filing under Chapter 7 debtor sought to get an appraisal which was recently obtained.
3. After obtaining the appraisal and learning that the property case is in fact consistent with his pre-petition belief, he now wishes to file a case under Chapter 7 as it is believed that there exist no non exempt equity.
4. As debtor's bankruptcy was necessary for the well-being of his family, due to the above and because the income in said household is insufficient to maintain a chapter 13 case, debtor believe that his financial recovery and his ability to move forward with his life is best served by converting his case to one under chapter 7.

5. Debtor qualifies under Chapter 7 of the Title 11.

6. Under §1307(a) of the bankruptcy Code, debtor is entitled to convert his Chapter 13 case to one under Chapter 7 as it is in the best interest of his family.

7. A copy of the Notice, has on this date, been mailed to the Chapter 13 Trustee serving this case and all affiliated creditors.

WHEREFORE, debtor, under bankruptcy Rule 1017(f)(3) and 1019, hereby gives notice and Motion for conversion of this Chapter 13 case to one under Chapter 7 of Title 11, United States Code and for such other relief as is just and proper.

Date: May 1, 2019

By: /s/ Robert Leite-Young
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MEMORANDUM OF LAW IN SUPPORT OF DEBTOR'S MOTION(S)

Debtors through the undersigned counsel hereby submit this memorandum and argument in support of the within Motion(s).

I. ARGUMENT

Under 11 USCS § 1307(a), debtor may effect conversion from Chapter 13 proceedings to Chapter 7 proceedings at any time without qualification, and debtor will be permitted to demand such conversion notwithstanding creditor's assertion that dismissal of case is more appropriate. *In re Bullock*, 41 B.R. 637 (Bankr. E.D. Pa. 1984).

Debtor originally filed a Chapter 13 case as it was uncertain as to the true value of debtor's real estate and in order to avoid an improper filing under Chapter 7 debtor sought to get an appraisal which was recently obtained. After obtaining the appraisal and learning that the property case is in fact consistent with his pre-petition belief, he now wishes to file a case under Chapter 7 as it is believed that there exist no non exempt equity. As debtor's bankruptcy was necessary for the well-being of his family, due to the above and because the income in said household is insufficient to maintain a chapter 13 case, debtor believe that his financial recovery and his ability to move forward with his life is best served by converting his case to one under chapter 7.

Debtor is unable to able to comply with their Chapter 13 Plan and does not desire to retain the above referenced property. Under §1307(a) of the bankruptcy Code, debtor is entitled to convert their Chapter case to one under Chapter 7 as it is in the best interest of their creditors and her family.

II. CONCLUSION

As a Court of equity, the Honorable Judge Chan can permit debtor the ability to convert his case to one under Chapter 7.

WHEREFORE, debtor respectfully asks that the Court grant this motion and for such other relief as is just and proper.

Date: Date: May 1, 2019

By: /s/ Robert Leite-Young
Robert Leite-Young, Esquire
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CERTIFICATE OF SERVICE

I hereby certify that the within Motion to Convert Case was served upon all parties of interest by First Class Mail, unless served electronically, at the below address on May 1, 2019.

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c/o PRA Receivables Management, LLC
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Philadelphia, PA 19107

Philadelphia
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Suite 400
Phila, PA 19106

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Mason, OH 45040

BANK OF AMERICA
PO BOX 982238
EL PASO TX 79998

Barclays Bank Delaware
PO Box 8803
Wilmington, DE 19899

Chase Bank USA, N.A.
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HSBC Bank
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WILLIAM C. MILLER, Esq.
Chapter 13 Trustee
P.O. Box 1229
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Respectfully submitted,

s/ Robert Leite-Young
Counsel for Debtor